

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 11, 2004, the following members were present:

Bob Rowe, Chairman  
Thomas J. Schneider, Vice Chairman  
Matt Brainard, Commissioner  
Greg Jergeson, Commissioner  
Jay Stovall, Commissioner

APPEARANCE

Leroy Beeby  
Utility Division

(164) In the matter of Qwest Services Corporation - N2004.4.59: On April 16, 2004, Qwest Services Corporation filed Tariff Transmittal 04-07, Clarification PBX with Direct Inward Dialing (DID) to clarify that PBX trunks with DID require a DID termination from Section 5.3.4 of the tariff. When a customer orders DID service from Section 5.3.4, they are informed that for the service to work in addition to the DID termination they must also have a PBX trunk found in Section 5.3.3 of the tariff. This filing is made to clarify in Section 5.3.3 on the PBX trunk section that the DID termination is also applicable. Footnotes are being added to Section 5.3.3 that corresponds to the footnotes already in 5.3.4. Staff recommends approval.

Commissioner Stovall moved to approve Tariff Transmittal 04-07. Commissioner Brainard seconded the motion, which passed unanimously.

(165) In the matter of MCI Telecommunications Corporation - N2004.4.65: On April 23, MCI filed Transmittal letter No. 04-12, the purpose of which is to increase Personal 800 instate rate to \$0.45 per minute, and revise Personal 800 language its various calling plans. MCI is requesting an effective date of May 1, 2004.

Commissioner Schneider moved to approve Transmittal letter No. 04-12 with an effective date of May 1, 2004. Commissioner Jergeson seconded the motion, which passed unanimously.

(166) In the matter of Central Montana Communications, Inc. - N2004.4.67: On April 28, 2004, Central Montana Communications filed modifications to their Section 28 ADSL tariffs. These modifications include a termination charge if service is disconnected prior to satisfying any contract period; a provision that a subscriber cannot receive vacation rates if he is under the obligation of a service contract; and increases the server space included with commercial web pages from 10 megabyte to 20 megabytes; and adds provisions for domain name registration.

Commissioner Jergeson moved to approve the modifications. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(167) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of May 3, 2004. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee  
Utility Division

(168) In the matter of the Commission's discussion of Qwest Wholesale Costs: revised wholesale service offerings - D2000.6.80:

Commissioner Schneider moved to notice Qwest's filing to revise the Statement of Generally Available Terms (SGAT). Commissioner Brainard seconded the motion, which passed unanimously.

(169) In the matter of the Commission's discussion of Energy West's Property Tax Increase:

Commissioner Schneider moved to issue a final order in Docket D2003.12.165. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan  
Legal Division  
Bob Miller and Brady Williams (via telephone conferencing)

(170) In the matter of the Commission's discussion of NorthWestern Energy (NWE) Bankruptcy:

Commissioner Schneider moved to file the objection to the Debtors Disclosure Statement with any changes necessary. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Brainard moved to authorize preparation of a response in opposition to NWE's motion for an order enforcing the automatic stay against the Montana Consumer Counsel and the Public Service Commission in the financial investigation. Commissioner Stovall seconded the motion, which passed unanimously.

(171) In the matter of the Commission's discussion of NorthWestern Energy (NWE) Financial Investigation Docket - Docket No. D2003.8.109:

Commissioner Schneider moved that the Commission issue an order advising NWE to file its brief to the special master and file data request responses concerning its testimony, with both documents to be filed by May 19, 2004. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Jergeson moved to overrule NWE objection to appointment of Martin Jacobson to serve as special master on the grounds stated, but to grant NWE and the Montana Consumer Counsel a choice of among three persons to serve as special master who would be identified by the Commission, and costs to be born by NWE. Commissioner Schneider seconded the motion, which passed unanimously.

(172) In the matter of the Commission's discussion of NorthWestern Energy (NWE) and Basin Creek PPA:

Commissioner Brainard moved to issue the protective order subject to any modifications as the Commission continues to revise its protective order process. Commissioner Schneider seconded the motion, which passed 4-1. Commissioner Jergeson dissented.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGESON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Connie Jones  
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Friday, May 14, 2004, the following members were present:

Bob Rowe, Chairman  
Thomas J. Schneider, Vice Chairman  
Matt Brainard, Commissioner  
Greg Jergeson, Commissioner  
Jay Stovall, Commissioner

APPEARANCE

Kate Whitney, Eric Eck, Al Brogan  
Bob Miller, Brady Williamson, Katherine Stadler

(173) In the matter of the Commission's discussion of NorthWestern Energy's (NWE) Bankruptcy:

Commissioner Jergeson moved to authorize counsel and the chairman to represent to the bankruptcy court that there is an Agreement in Principle between the PSC and NorthWestern, as outlined in the summary presented to the Commission. Commissioner Brainard seconded the motion, which passed unanimously. The Agreement in Principle is subject to:

1. Withdrawal without prejudice by NorthWestern of its motion for an order enforcing the automatic stay as against the MCC and the PSC with respect to the financial investigation.
2. Finalization of a detailed, formal agreement between NorthWestern, MCC and the PSC embodying the Agreement in Principle.
3. Approval by the PSC of language to be included in the Plan of Reorganization and Disclosure Statement implementing the Agreement in Principle.
4. Submission to the PSC by NorthWestern and MCC of a stipulation in the PSC's financial investigation implementing the Agreement in Principle.
5. As stated in the Agreement in Principle, this does not limit in any way the PSC's ability to discuss or negotiate with other parties interested in the utility or the utility's assets, or to take positions concerning such proposals.
6. Pending the achievement of 1 through 5, above, the PSC's objection to the disclosure statement will remain pending with the court.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGESON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Connie Jones  
Commission Secretary

(SEAL)